

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

GLOBAL TRAFFIC
TECHNOLOGIES, LLC,

Plaintiff,

vs.

RODNEY K. MORGAN, STC, INC.,
and KM ENTERPRISES, INC.,
Defendants.

Civil No. 10-4110 ADM/SER

**ORDER FOR
ENTRY OF JUDGMENT**

This matter is before the undersigned United States District Judge for entry of judgment consistent with the United States Court of Appeals for the Federal Circuit's June 4, 2015 decision (Dkt. 573) and August 17, 2015 mandate (Dkt. 575).

On September 20, 2013, a jury found that KM Enterprises, Inc. ("KME"), Rodney "Kris" Morgan ("Morgan"), and STC, Inc. ("STC") (collectively, "Defendants") infringed claims 1, 3, 8, 10, 16, and 17 of United States Patent No. 5,539,398 ("398 patent") and awarded damages in the amount of \$5,052,118. The jury also found that the asserted claims of the '398 patent were not invalid and that Defendants' infringement of the '398 patent was willful. In a Memorandum Opinion and Order dated April 25, 2014, this Court confirmed the jury's finding of willful infringement and ordered enhancement of damages in the amount of \$2,526,059. (Dkt. 431). In addition, this Court ordered prejudgment interest of \$923,965 through October 31, 2013, plus an additional \$1,384.14 for each day after October 31, 2013, calculated based on the jury's compensatory

damages award of \$5,052,118. (See Dkt. 431 at 29). This Court entered final judgment on May 16, 2014. (Dkt. 470).

Defendants appealed this Court's judgment to the United States Court of Appeals for the Federal Circuit. On June 4, 2015, the Federal Circuit affirmed the jury's finding of infringement by all Defendants, affirmed the entirety of the actual damages award, reversed the finding of willfulness and award of enhanced damages (\$2,526,059), and remanded for this Court "to enter judgment consistent with this opinion." (Dkt. 573 at 23). Defendants filed petitions for panel rehearing and rehearing *en banc* on July 6, 2015, which the Federal Circuit denied on August 7, 2015. Global Traffic Techs. LLC v. Morgan, et al., Case Nos. 2014-1537, 2014-1566 (Fed. Cir.), Dkts. 112, 113, 115. On August 13, 2015, KME and Morgan moved the Federal Circuit to stay the issuance of its mandate under Federal Rule of Appellate Procedure 41(d)(2). Id., Dkt. 116-1. The Federal Circuit denied KME and Morgan's motion on August 17, 2015, and the mandate was entered that day. (Dkt. 575).

Defendant STC, Inc. ("STC") has filed an objection (Dkt. 576) to Plaintiff Global Traffic Technologies, LLC's Proposed Order for Entry of Judgment. STC argues the Proposed Order is erroneous because the Federal Circuit did not affirm judgment of infringement as to claims 1, 3, 8, and 10. STC argues it is entitled to a new trial on the issue of damages attributable to the infringement of claims 16 and 17. Defendants KM Enterprises, Inc. and Rodney Kris Morgan join in STC's objection (See Dkt. 577). The

objections are overruled as baseless and contrary to the Federal Circuit's mandate, directing "the district court to enter judgment." (Dkt. 575).

Accordingly, consistent with the Federal Circuit's June 4, 2015 decision and August 17, 2015 mandate, and based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Judgment of infringement and no invalidity of claims 1, 3, 8, 10, 16, and 17 of United States Patent No. 5,539,398 is entered in favor of Plaintiff Global Traffic Technologies, LLC, and against Defendants KM Enterprises, Inc., Rodney "Kris" Morgan, and STC, Inc.;

2. Global Traffic Technologies, LLC, is awarded damages in the amount of \$5,052,118; and

3. Global Traffic Technologies, LLC, is awarded prejudgment interest in the amount of \$923,965 through October 31, 2013, plus an additional \$1,384.14 for each day after October 31, 2013.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: September 9, 2015.